

**FILED**

**JUL 25 2023**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY  DEPUTY CLERK

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UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

CAROLYN HOPE SCHAUPP, PLAINTIFF AND

Defendant

Case No.: 1:23-cv-0755-ADA-SAB

NINTH CIRCUIT COURT OF APPEAL No.:

23-15904

Court of Appeal: F086125 (Habeas)

Court of Appeal : F084055

MOTION FOR CONSOLIDATION 42(A)

MOTION TO REOPEN FEDERAL CIVIL CASES:

1:20-CV-01221-DAD-BAM

1:22-CV-00849-JLT-SAB

JURY TRIAL DEMANDED

CR20008761 Stanislaus County Superior Court

FL20001695 Stanislaus County Superior Court

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PR20000740 Stanislaus County Superior Court

FL22002219 Stanislaus County Superior Court (Habeus)

FL22001489 Stanislaus County Superior Court

22CCADO1060 Los Angeles County Superior Court

23STPB03148 Los Angeles County Superior Court

SA2023301466-Motion for Stay Pending Appeal  
FRCP§15

MOTION TO CONSOLIDATE

MOTION TO CONSOLIDATE AND REOPEN CIVIL CASE

STAY REQUESTED ON ( SA2023301466) FRCP §15

In accordance with Federal Rule of Civil Procedure 42, Removing Defendant moves to consolidate for trial all matters at issue in these actions. Pursuant to Fed. R. Civ. P. Rule 42(a)(1), which states that, “If actions before the court involve a common question of law or fact, the court may join for hearing or trial any or all matters at issue in the actions. . . .” The Court has “broad discretion” in determining whether consolidation is appropriate, the district court must “determine whether the specific risks of prejudice and possible confusion from consolidation were overborne by the risk of inconsistent adjudications . . . , the burden on parties, witnesses, and available judicial resources posed by multiple lawsuits, the length of time

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1 required to conclude multiple suits against a single one, and the relative expense to all concerned  
2 of the single-trial, multiple trial alternatives.” Campbell v. Boston Scientific Corp., 99  
3 Fed.R.Serv.3d 1479 (4th Cir. 2018) (quoting Arnold v. Eastern Air Lines, Inc., 681 F.2d 186,  
4 193 (4th Cir. 1982) (internal quotations omitted). Furthermore, the “[p]olicies of judicial  
5 economy generally favor the consolidation of related actions.” Eldridge v. McCabe, Weisberg &  
6 Conway, LLC, 2012 WL 1416642, \*1 (D. Md. 2012) (citing Coyne & Delaney Co. v. Selman,  
7 98 F.3d 1457, 1473 (4th Cir. 1996)). The fact that each of the listed actions are without  
8 Jurisdiction and based on the Removal action case gives this court Jurisdiction to consolidate the  
9 actions. These cases have common questions of law and fact, as plaintiffs in these actions have  
10 brought multiple overlapping causes of action and sued Defendant in 7 separate actions based  
11 solely on the removal action. The various factors to be considered by this Court weigh in favor of  
12 consolidation. Given the overlap of legal and factual issues in these cases, and to minimize the  
13 burden on Defendants, Plaintiffs, and the Court, Plaintiffs in the Seven actions have coordinated  
14 to use the discovery from the Removal action to prosecute their cases, and have named  
15 themselves as witnesses and parties.

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20 Here, these considerations overwhelmingly support the consolidation of this case with the  
21 Listed case. First, the removing defendant and Plaintiff in the Civil Matters related to and before  
22 this court brings the causes of action and an England Jennings Reservation was made in the State  
23 Court namely, that it breaches the First, Fourth and Fourteenth Amendments by causing onerous  
24 and unwarranted “difficulties” for plaintiff and removing Defendant

25  
26 Plaintiffs in these Seven lower Court and Agency Action cases allegedly share  
27 common causes of actions: Removing Defendant Filed an Anti-Slapp under California State Law  
28

1 which was Defaulted. Removing Defendant brings forward two additional claims: a violation of  
2 Plaintiffs' equal protection guarantee under the Fifth Amendment and a conspiracy to violate  
3 civil rights under 42 U.S.C. § 1985(3). A consolidated trial would: (1) minimize the burden on  
4 the parties, by not requiring Defendants and Plaintiffs to put forth several of the same witnesses  
5 in two separate trials (or Seven), (2) promote judicial efficiency and shorten the length of time to  
6 resolve these cases by not requiring the Court to conclude seven trials with many identical issues  
7 of fact and law, (3) reduce costs to all parties and conserve judicial resources by avoiding  
8 unnecessary and duplicative witness testimony and other pre-trial and trial activity, and (4)  
9 reduce potential confusion and prejudice to the parties by allowing common issues for both cases  
10 to be resolved simultaneously. For the foregoing reasons removing defendant move this Court to  
11 consolidate trial in these matters and as provided request the following:  
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15 1. Nunc Pro Tunc Order including these actions in the Appeal filed on June 9,  
16 2023 and June 12, 2023.

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18 2. Evidentiary Hearing and Request to be heard on Consolidation.

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20 3. Order to Show Cause for Lack of Jurisdiction based upon Removal Action  
21 which would discharge with Prejudice the Related cases subject to this  
22 consolidation Motion.  
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24  
25 4. Evidentiary hearing regarding Fees and cost of suit.  
26

27 Dated: July 18, 2023

By : Carolyn Hope Schaupp

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2023 I mailed to file the foregoing with the Clerk of the Court of the Eastern District Federal Court and I served the foregoing to all parties/counsel of record by mail.

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